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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/002,354
Filing Date: October 30, 2001
Appellant(s): WILEY, JEFFREY G.

MAILED

MAY 16 2007

Technology Center 2600

Mark D. Trenner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 15, 2007 appealing from the Office action mailed September 17, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,577,907	Czyszczewski et al.	6-2003
6,343,327	Daniels, Jr. et al.	1-2002
6,782,415	Quine	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Czyszczewski et al. (US 6,577,907), hereafter referred to as Czyszczewski.
Claim 1-7, 11-14, and 19-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Czyszczewski et al. (US 6,577,907) in view of Quine (US 6782415), hereafter referred to as Czyszczewski and Quine.

Claims 8-10, 15-17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czyszczewski et al. (US 6,577,907) in view of Quine (US 6782415) in further view of Daniels, Jr. et al. (US 6343327), hereafter referred to as Czyszczewski, Quine, and Daniels.

For completeness, the rejection, as set forth in the Final Office Action, mailed September 22, 2006, is duplicated below.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Czyszczewski et al. (US 6,577,907), hereafter referred to as Czyszczewski.

Regarding claim 18, Czyszczewski teaches a multifunction device (figure 1, #10) comprising computer-readable media operatively associated with said multifunction device and having computer-readable program code thereon including program code (figure 1, multifunction controller comprises CPU (figure 2, #80), RAM, (figure 2, #85) and ROM (figure 2, #90). ROM of figure 2 comprises a controller operating system #95 as well as a document processing pipeline #100) for identifying different types of network destinations to receive a document (col 6, ln 62-67, when new devices are

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added to the network, a global database is updated, identifying available network destinations on the network), program code for automatically determining at least one document property (Czyszczewski, fig 9d, and col 7, ln 48-54, wherein upon selecting a format, formatting inherently automatically determines and configures a document property. Formatting was selected for a network destination, formatting includes but is not limited to automatically configuring a document property, therefore property configuring is based on a network destination) for optimizing output at each of said different types of network destinations (Czyszczewski, fig 9D, wherein document properties in PDF format are optimized for viewing and printing, and wherein document properties in text format are optimized for importing a document into a word processor for editing), program code for formatting the at least one document property of said document for each of said different types of network destinations (col 7, ln 12-19, one scanning operation is required to allow a user to send a document to each of the different types of network devices including local printers, network printers, fax machines, or e-mail addresses. Formatting occurs once to process document for each destination, col 7, ln 48-54. Also col 8, ln 61-64, wherein converting formats automatically formats at least one document property, as explained below in the Response to Arguments), and program code for sending said formatted document from said multifunction device to each of said different types of network destinations (col 7, ln 19-22, document is sent to selected network destinations), wherein said document is imaged only once for delivery to each of said different types of network destinations.

Claim 1-7, 11-14, and 19-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Czyszczewski et al. (US 6,577,907) in view of Quine (US 6782415), hereafter referred to as Czyszczewski and Quine.

Regarding claim 1, Czyszczewski teaches a document delivery method comprising: identifying different types of network destinations for receiving a document (col 6, ln 62-67, when new devices are added to the network, a global database is updated, identifying available network destinations on the network); formatting said document for each of said different types of network destinations without re-imaging said document (col 7, ln 12-19, one scanning operation allows a user to send a document to different types of network devices including local printers, network printers, fax machines, or e-mail addresses. Formatting occurs to process document for each destination, col 7, ln 48-54); automatically configuring at least one property of said document based on said different types of network destinations (Czyszczewski, fig 9d, and col 7, ln 48-54, wherein upon selecting a format, formatting inherently automatically configures a document property. Formatting was selected for a network destination, formatting includes but is not limited to automatically configuring a document property, therefore property configuring is based on a network destination) for optimizing output of said document at said different types of network destinations (Czyszczewski, fig 9D, wherein document properties in PDF format are optimized for viewing and printing, and wherein document properties in text format are optimized for importing a document into a word processor for editing); and sending said formatted document to each of said different types of network destinations from a multifunction device (col 7, ln 19-22,

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document is sent to selected network destinations). Czyszczewski does not teach a method of receiving a document based on a preferred mode of receipt by the recipient. Quine, however, teaches a method for document delivery comprising receiving a document based on a preferred mode of receipt by the recipient (Quine, col 4, ln 47-67, wherein delivery preferences are stored for each user and documents are delivered according to recipient preferences). Additionally, Quine teaches a method of automatically configuring document properties based on a network destination for optimizing output of the document at the network destination (Quine, col 4, ln 47-51, wherein in a database system, user preferences regarding the preferred mode of communication and the preferred format are defined for each user. See col 5, ln 8-32, wherein formats and corresponding document properties are automatically configured for optimizing output of a document for different types of network destinations).

Czyszczewski and Quine are combinable because they are from a similar field of endeavor of document delivery systems and method. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the document delivery method of Quine comprising identifying network destinations based on a preferred mode of receipt by the recipient with the document delivery method of Czyszczewski comprising identifying, formatting, and sending a document to a recipient. The motivation for doing so would have been to improve delivery speed, accuracy, and effectiveness of the document delivery (Quine, col 7, ln 65-67, col 8, ln 1-14), as well as to provide an improved architecture and user interface for a multifunction device,

(Czyszczewski, col 1, ln 34-36). Therefore, it would have been obvious to combine Quine with Czyszczewski to obtain the invention as specified in claim 1.

Regarding claim 2, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method wherein sending said formatted document to each of said different types of network destinations is via serial transmission (col 5, ln 64-67 and col 6, ln 1-2, output devices are connected via LAN, which is by definition a serial transmission network, wherein formatted documents are sent over the LAN).

Regarding claim 3, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method further comprising converting said document to electronic format, wherein said electronic document is formatted and sent (col 26-32, documents can be held in memory of controller until a print request is issued, for example. Controller comprises RAM (col 6, ln 8-15), therefore, document must be in electronic format to be stored).

Regarding claim 4, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method wherein identifying said different types of network destinations is based at least in part on a user selection (col 7, ln 16-17, user selects a destination or destinations for a document).

Regarding claim 5, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method wherein identifying said different types of network destinations is based at least in part on a user-sorted type of network destination (Czyszczewski, col 11, ln 18-27, when identifying a particular destination, user may limit identification by entering name of recipient to limit available network

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destinations. See also Czyszczewski, col 11, ln 33-45, wherein the user is not limited to sending a job to either a facsimile destination or electronic mail destination, but may choose a plurality of destinations for a document. Also see Quine, col 2, ln 59-65, wherein a user may sort destinations by desired parameters, e.g. location or job description).

Regarding claim 6, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method wherein formatting said document is automatically determined based at least in part on a property of the different types of network destinations (Czyszczewski, col 8, ln 61-64, automatic formatting for printer, depending on property of network destination. ASCII data is automatically formatted into PostScript if the destination specified is a printer. Also see Quine, col 4, ln 60-67, wherein method further comprises delivering document to a recipient in a preferred format, wherein documents must be automatically formatted into preferred format).

Regarding claim 7, which depends from claim 1, the combination of Czyszczewski and Quine teaches a method wherein formatting said document is based at least in part on a property of the document (col 8, ln 40-67 and col 9, ln 1-12, example formatting includes steps A-G. Step 'B,' used when operating in an image quality mode, may be bypassed when a document does not include high-quality images).

Regarding claim 11, the combination of Czyszczewski and Quine teaches a document delivery method comprising (Czyszczewski and Quine are combined as explained above in claim 1):

Converting a printed document to an electronic document only once with a multifunction device (Czyszczewski, figure 1, multifunction device #10 comprises scanner #20 which scans in documents. In col 26-32, documents can be held in memory of controller until a print request is issued, for example. Controller comprises RAM (col 6, ln 8-15), therefore, document must be in electronic format to be stored);

Identifying preferred network destinations for each of a plurality of recipients to receive said electronic document (Czyszczewski, col 6, ln 62-67, when new devices are added to the network, a global database is updated, identifying available network destinations on the network. Plurality of recipients is taught in col 7, ln 19-25 of Czyszczewski. See also Quine, col 4, ln 47-67, wherein network destinations are identified and stored for each user and documents are delivered according to recipient preferences);

Formatting said document for different types of said preferred network destinations (Czyszczewski, col 7, ln 12-19, one scanning operation allows a user to send a document to different types of network devices including local printers, network printers, fax machines, or e-mail addresses. Formatting occurs to process document for each destination, col 7, ln 48-54. Preferred network devices are taught by Quine as explained above);

Automatically configuring at least one property of said document based on said different types of network destinations (Czyszczewski, fig 9d, and col 7, ln 48-54, wherein upon selecting a format, formatting inherently automatically configures a document property. Formatting was selected for a network destination, formatting

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includes but is not limited to automatically configuring a document property, therefore property configuring is based on a network destination) for optimizing output of said document at said different types of network destinations (Czyszczewski, fig 9D, wherein document properties in PDF format are optimized for viewing and printing, and wherein document properties in text format are optimized for importing a document into a word processor for editing. Also see Quine, col 4, ln 47-51, wherein in a database system, user preferences regarding the preferred mode of communication and the preferred format are defined for each user. See col 5, ln 8-32, wherein formats and corresponding document properties are automatically configured for optimizing output of a document for different types of network destinations); and

Sending said formatted electronic document from said multifunction device to each of said plurality of recipients (Czyszczewski, col 7, ln 19-22, document is sent to selected network destinations).

Regarding claim 12, which depends from claim 11, the combination of Czyszczewski and Quine teaches a method wherein sending said formatted document to each of said different types of network destinations is via serial transmission (col 5, ln 64-67 and col 6, ln 1-2, output devices are connected via LAN, which is by definition a serial transmission network, wherein formatted documents are sent over the LAN).

Regarding claim 13, which depends from claim 11, the combination of Czyszczewski and Quine teaches a method wherein identifying said different types of network destinations is based at least in part on a user-identified limitation (Czyszczewski, col 11, ln 18-27, when identifying a particular destination, user may limit

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identification by entering name of recipient to limit available network destinations. See also Czyszczewski, col 11, ln 33-45, wherein the user is not limited to sending a job to either a facsimile destination or electronic mail destination, but may choose a plurality of destinations for a document. Also see Quine, col 2, ln 59-65, wherein a user may sort destinations by desired parameters, e.g. location or job description).

Regarding claim 14, which depends from claim 11, the combination of Czyszczewski and Quine teaches a method wherein formatting said electronic document is based at least in part on the type of said network destination (Czyszczewski, col 8, ln 61-64, automatic formatting for printer, depending on property of network destination. ASCII data is automatically formatted into PostScript if the destination specified is a printer. Also see Quine, col 4, ln 60-67, wherein method further comprises delivering document to a recipient in a preferred format, wherein documents must be automatically formatted into preferred format).

Regarding claim 19, which depends from claim 18, the combination of Czyszczewski and Quine teaches a multifunction device further comprising an interface for receiving at least one user selection (col 6, ln 18-20, touch screen provides the Graphical User Interface (GUI) to the user of the multifunction device), wherein said program code for identifying said different types of network destinations bases said identification at least in part on said at least one user selection (col 7, ln 16-17, user selects a destination or destinations for a document) and at least in part on a recipient preference for receiving said document (Quine, col 4, ln 47-67, wherein delivery

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preferences are stored for each user and destinations are identified and documents are delivered according to recipient preferences).

Regarding claim 20, which depends from claim 19, the combination of Czyszczewski and Quine teaches a multifunction device wherein said computer-readable program code comprises program code for sorting said different types of network destinations based on said at least one user selection (Czyszczewski, col 11, ln 18-27, when identifying a particular destination, user may limit identification by entering name of recipient to limit available network destinations. See also Czyszczewski, col 11, ln 33-45, wherein the user is not limited to sending a job to either a facsimile destination or electronic mail destination, but may choose a plurality of destinations for a document. Also see Quine, col 2, ln 59-65, wherein a user may sort destinations by desired parameters, e.g. location or job description)

Regarding claim 21, which depends from claim 18, the combination of Czyszczewski and Quine teaches a multifunction device further comprising a computer-readable address book for identifying said different types of preferred network destinations (Czyszczewski, col 11, ln 66-67 and col 12 ln 1-23, user may browse through address book to identify fax numbers, e-mail addresses, phone numbers, and the like of, a network destination. See also Quine, col 4, ln 47-67, wherein delivery preferences are stored for each user and destinations are identified and documents are delivered according to recipient preferences).

Regarding claim 22, which depends from claim 18, the combination of Czyszczewski and Quine teaches a multifunction device wherein said computer-

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readable program code comprises program code for configuring a property of said document for each of said different types of network destinations (col 8, In 5-7, drivers for formatting document are adapted for different network destinations, also col 8, In 12-15, instead of Postscript formatting for a printer, document may be converted into a PDF which is sent as e-mail).

Regarding claim 23, which depends from claim 18, the combination of Czyszczewski and Quine teaches a multifunction device further comprising program code for converting said document to electronic format (col 26-32, documents can be held in memory of controller until a print request is issued, for example. Controller comprises RAM (col 6, In 8-15), therefore, document must be in electronic format to be stored).

Claims 8-10, 15-17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czyszczewski et al. (US 6,577,907) in view of Quine (US 6782415) in further view of Daniels, Jr. et al. (US 6343327), hereafter referred to as Czyszczewski, Quine, and Daniels.

Regarding claim 8, which depends from claim 1, the combination of Czyszczewski and Quine teaches a document delivery method comprising identifying different types of network destinations based on preferred mode of receipt by the recipient, formatting a document for different types of network destinations without re-imaging said document, automatically configuring document properties for a network destination to optimize the output of the document at the network destination, and sending said formatted document to each of the different network destinations, as

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explained in the rejection of claim 1 above. The combination of Czyszczewski and Quine does not disclose expressly a method further comprising resending said document to a next preferred network destination for the same recipient upon a predetermined condition being satisfied. Daniels, however, discloses a method of resending said document to a next preferred network destination for the same recipient upon a predetermined condition being satisfied (Daniels, col 7, ln 17-21, wherein document is resent to a next preferred network destination for the same recipient. A resending predetermined condition is shown in col 7, ln 9-15 of Daniels).

Czyszczewski, Quine, and Daniels are combinable because they are from the same field of endeavor of document delivery methods. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of resending to a next preferred network destination for the same recipient based upon a predetermined condition method of Daniels with the identifying, formatting, and sending method of the combination of Czyszczewski and Quine. The motivation for doing so would have been to improve delivery speed, accuracy, and effectiveness of the document delivery (Quine, col 7, ln 65-67, col 8, ln 1-14). Therefore, it would have been obvious to combine Daniels with the aforementioned combination of Czyszczewski and Quine to obtain the invention as specified in claim 8.

Regarding claim 9, which depends from claim 8, the combination of Czyszczewski, Quine, and Daniels further teaches a method wherein said predetermined condition is satisfied when said document is undeliverable to said at least one of said different types of network destinations (Daniels, col 7, ln 9-16, wherein

predetermined condition is notification or realization of a delivery failure. See also Daniels, col 2, ln 20-23, showing that a predetermined condition is a notification or realization of a delivery failure).

Regarding claim 10, which depends from claim 8, the combination of Czyszczewski, Quine, and Daniels further teaches a method wherein resending said document is according to a user-selected cycle function (Daniels, col 7, ln 17-21, wherein resending is according to a user-selected cycle function, i.e. resending occurs in accordance with preferred delivery destinations selected by user when inputting preferences. See also col 6, ln 65-67, and col 7, ln 1-4, wherein delivery information is specified in a data file, with options specified and selected previously by user).

Regarding claim 15, which depends from claim 11, the combination of Czyszczewski, Quine, and Daniels further teaches a method further comprising resending said electronic document to the same recipient at another preferred network destination upon a predetermined condition being satisfied (Daniels, col 7, ln 17-21, wherein document is resent to a next preferred network destination for the same recipient. A resending predetermined condition is shown in col 7, ln 9-15 of Daniels).

Regarding claim 16, which depends from claim 15, the combination of Czyszczewski, Quine, and Daniels further teaches a method further comprising satisfying said predetermined condition when said electronic document is undeliverable to said at least one of said different types of network destinations (Daniels, col 7, ln 9-16, wherein predetermined condition is notification or realization of a delivery failure.

See also Daniels, col 2, ln 20-23, showing that a predetermined condition is a notification or realization of a delivery failure).

Regarding claim 17, which depends from claim 15, the combination of Czyszczewski, Quine, and Daniels further teaches a method wherein resending said electronic document is in response to a user-selected cycle function (Daniels, col 7, ln 17-21, wherein resending is according to a user-selected cycle function, i.e. resending occurs in accordance with preferred delivery destinations selected by user when inputting preferences. See also col 6, ln 65-67, and col 7, ln 1-4, wherein delivery information is specified in a data file, with options specified and selected previously by user).

Regarding claim 24, which depends from claim 18, the combination of Czyszczewski, Quine, and Daniels further teaches a multifunction device wherein said computer-readable program code comprises program code for resending said document to a same recipient at an alternate network destination upon a predetermined condition being satisfied (Daniels, col 7, ln 17-21, wherein document is resent to a next preferred network destination for the same recipient. A resending predetermined condition is shown in col 7, ln 9-15 of Daniels).

Regarding claim 25, which depends from claim 18, the combination of Czyszczewski, Quine, and Daniels further teaches a multifunction device wherein said predetermined condition is satisfied when said document is undeliverable to said at least one of said different types of network destinations (Daniels, col 7, ln 9-16, wherein predetermined condition is notification or realization of a delivery failure. See also

Daniels, col 2, ln 20-23, showing that a predetermined condition is a notification or realization of a delivery failure).

(10) Response to Argument

Appellant, on page 6, lines 4-8, argues that Czyszczewski does not teach or suggest that the multifunction device automatically determines at least one document property for optimizing output, as claimed in claim 18.

In response: Czyszczewski, at column 7, lines 42-47, teaches a document processing pipeline for transforming data to be sent to multiple destinations such as local printers, network printers, fax machines, or Internet addresses, including email addresses, column 7, lines 12-25. This processing is automatic. Drivers in the multifunctional device transform document data from scanline information on one end to the appropriate digital representation on the other end, column 7, lines 48-54.

One such data transformation is taught at column 8, lines 61-64 of Czyszczewski. Incoming ASCII data is converted into Adobe PostScript data. Appellant, on page 6, lines 18-20, argues that changing between data types is different from formatting properties of the document. While this statement may be true, it is not in this case of transforming ASCII data into PostScript data.

ASCII data is a coding scheme that assigns numeric values up to 256 characters, including letters, numerals, punctuation marks, control characters (such as "start of text" and "end of text"), and other symbols. The ASCII control characters and printing characters were included as a reference in the Response to Arguments in the Final

Office Action, mailed September 17, 2006. ASCII data does not define document properties but merely defines the content of the data.

PostScript is a page-description language from Adobe Systems that offers flexible font capability and high-quality graphics. PostScript data uses English-like commands to control page layout and to load and scale outline fonts.

By converting ASCII data, which merely defines the content, to PostScript data, which describes the page font and layout, at least one document property for optimizing output is determined. An example of a document property may include the use of a particular font or the placement of the text on the page by using margins.

Czyszczewski reinforces automatically determining at least one document property for optimizing output and formatting the document property in column 8, lines 64-67, by stating all of the device-dependent information is added to the data passing through the pipeline for defining the output to a known output device. By adding device-dependent information to the data, document properties are optimized for output.

Appellant, on page 6, line 21 to page 7, line 24, argues the examiner has failed to show that Czyszczewski inherently automatically determines at least one document property for optimizing output at each of the different types of network destinations. In response, the examiner respectfully directs Appellant to the evidence and reasoning presented above.

Appellant, on page 8, lines 11-19, argues that the Czyszczewski fails to teach "automatically configuring at least one property of said documents based on said different types of network destination for optimizing output of said document at said

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different types of network destinations." The examiner respectfully directs Appellant to the evidence and reasoning presented above as showing claim 1 is obvious in view of Czyszczewski and Quine.

Appellant, on page 8, lines 20-23, argues that dependent claims 2-7 are allowable for at least the same reasons as claim 1. The examiner respectfully submits dependent claims 2-7 are not allowable by at least depending on a properly rejected base claim.

Appellant, on page 9, lines 1-9, argues that the Czyszczewski fails to teach "formatting said electronic document for different types of said preferred network destinations" and automatically configuring at least one document property for optimizing output of said document by different types of said preferred network destination." The examiner respectfully directs Appellant to the evidence and reasoning presented above as showing claim 11 is obvious in view of Czyszczewski and Quine.

Appellant, on page 8, lines 10-18, argues that dependent claims 12-14 and 19-23 are allowable for at least the same reasons as claim 11 and 18, respectively. The examiner respectfully submits dependent claims 12-14 and 19-23 are not allowable by at least depending on a properly rejected base claim.

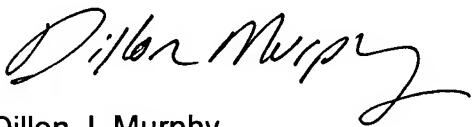
Appellant, on page 10, lines 8-22, argues that dependent claims 8-10, 15-17, and 24-25 are allowable for at least the same reasons as claim 1, 11 and 18, respectively. The examiner respectfully submits dependent claims 8-10, 15-17, and 24-25 are not allowable by at least depending on a properly rejected base claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted,



Dillon J. Murphy
May 4, 2007

Conferees:



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